

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

NORTH ATLANTIC OPERATING
COMPANY, INC.; NATIONAL
TOBACCO COMPANY, L.P.,

Plaintiffs,

v.

WALTER C. SCOTT, et al.,

Defendants.

CIVIL ACTION NO. 16-12076

Honorable Terrence G. Berg

STIPULATION FOR ENTRY OF PERMANENT INJUNCTION

Plaintiffs North Atlantic Operating Company, Inc. and National Tobacco Company, L.P. (together, “North Atlantic”) and the undersigned, Linet Davoodimasihi, a.k.a. Linet Davoodi Masihi, and eBay Seller seranosh (the “Davoodi-Masihi Defendants”), hereby stipulate and agree to the Court’s entry of a permanent injunction against the Davoodi-Masihi Defendants.

WHEREAS, North Atlantic filed the Complaint on June 9, 2016 against the Davoodi-Masihi Defendants, among others, alleging various causes of action including but not limited to trademark infringement and unfair competition relating

to the manufacture, purchase, sale, and/or other distribution of counterfeit ZIG-ZAG® cigarette paper products [DKT. 1 (Complaint)]¹; and

WHEREAS, North Atlantic simultaneously applied, *ex parte*, for a Temporary Restraining Order, Preliminary Injunction, and Additional Relief [DKT. 3]; and

WHEREAS, on July 1, 2016, the Court granted the Temporary Restraining Order, including an order restraining the online merchant and payment accounts identified by North Atlantic [DKT. 23]; and

WHEREAS, North Atlantic served the Davoodi-Masihi Defendants with the Summons, Complaint, and all papers and proceedings theretofore had in the Action; and

WHEREAS, on August 3, 2016, the Court entered an Order entering a Preliminary Injunction against the Davoodi-Masihi Defendants [DKT. 45]; and

WHEREAS, North Atlantic and the Davoodi-Masihi Defendants subsequently settled the Action as between themselves, and as a condition of their settlement, the Davoodi-Masihi Defendants have agreed to the entry of a permanent injunction.

NOW THEREFORE, the Davoodi-Masihi Defendants, as well as their agents, servants, employees, attorneys, officers, and other representatives, and all

¹ All terms not expressly defined herein have the meaning(s) ascribed to them in Plaintiffs' Complaint, DKT 1.

other persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise are hereby permanently enjoined and restrained from, directly or indirectly, anywhere in the world:

1. Manufacturing, making, buying, purchasing, importing, shipping, delivering, advertising, marketing, promoting, offering to sell, selling, or otherwise distributing or disposing of, in any manner, any counterfeit or infringing ZIG-ZAG® brand cigarette paper products, or any cigarette paper products bearing:

- a. Infringing or counterfeit versions of the ZIG-ZAG® Trademarks², the NAOC® Trademarks³, the NAOC© Copyright⁴, and/or the ZIG-ZAG® Trade Dress⁵, which appear alone or in combination on all

² Defined as the marks of U.S. Registration Nos. 610,530 (ZIG-ZAG (stylized)); 1,127,946 (ZIG-ZAG (Word Mark)); 2,169,540 (Smoking Man Design (Circle Border)); 2,169,549 (Smoking Man Design (No Border)).

³ Defined as the marks of U.S. Registration Nos. 2,664,694 and 2,664,695 (NORTH ATLANTIC OPERATING COMPANY INC. and Gear Design); and 2,610,473 and 2,635,446 (NORTH ATLANTIC OPERATING COMPANY (Word Mark)).

⁴ Defined as the work of the federal copyright registration for the visual material/computer graphic titled “North Atlantic Operating Company, Inc.” (VAu 464-855).

⁵ Defined as the distinctive design elements comprising the overall look and feel of ZIG-ZAG® Orange packaging (booklets and cartons), including at least the following: (1) ZIG-ZAG® and NAOC® Trademarks, (2) NAOC© Copyright, (3) gold-fill lettering and design elements, (4) French phrases such as “Qualite Superieure” and “Braunstein Freres France,” and (5) the express statements that the products are “Made in France” or “Imported French”, or “Distributed by North Atlantic Operating Company, Inc.”

cartons and booklets of ZIG-ZAG® cigarette paper products
distributed by North Atlantic in the United States; and/or

- b. The false statement that such products are “Distributed by North Atlantic Operating Company, Inc.” or otherwise under the control or supervision of North Atlantic, when they are not;
2. Manufacturing, making, buying, purchasing, importing, shipping, delivering, advertising, marketing, promoting, offering to sell, selling, or otherwise distributing or disposing of, in any manner, any purported North Atlantic products that are not actually produced, imported, or distributed under North Atlantic’s control or supervision, or approved for sale in the United States by North Atlantic in connection with the ZIG-ZAG® Trademarks, the NAOC® Trademarks, the NAOC© Copyright, or the ZIG-ZAG® Trade Dress;
3. Committing any acts calculated to cause purchasers to believe that counterfeit or infringing ZIG-ZAG® cigarette paper products originate with North Atlantic, when they do not;
4. In any way infringing or damaging the ZIG-ZAG® or NAOC® Trademarks, the NAOC© Copyright, or the ZIG-ZAG® Trade Dress, or the value or goodwill associated therewith;
5. Otherwise unfairly competing with North Atlantic;

6. Attempting, causing, or assisting in any of the above-described acts, including, but not limited to, enabling others in the above-described acts or passing on information to others to allow them to do so;
7. Destroying, altering, deleting, or otherwise disposing of any documents, records, or electronically stored information concerning the manufacturing, making, buying, purchasing, importing, shipping, delivering, advertising, marketing, promoting, offering to sell, selling, or other distribution or disposal of any product that has been, or is intended to be, sold in packaging containing, displaying, or bearing the ZIG-ZAG® or NAOC® Trademarks, the NAOC© Copyright, or the ZIG-ZAG® Trade Dress; and/or
8. Forming or causing to be formed any corporation or other entity that engages in the above-described acts.

WHEREFORE, the Parties stipulate and agree that the proposed Permanent Injunction as set forth above may be entered in the above-captioned matter, subject to this Court's approval and/or modifications.

(Signatures on following pages.)

THE PLAINTIFFS

North Atlantic Operating Company, Inc.
National Tobacco Company, L.P.

Date: September 7, 2017

By: /s/ Lyndsay S. Ott
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*Attorneys for Plaintiffs North Atlantic
Operating Company, Inc. and National
Tobacco Company, L.P.*

(Signatures continued on following page.)

THE DAVOODI-MASIHI DEFENDANTS

Linet Davoodimasihi, a.k.a. Linet Davoodi
Masihi, and eBay Seller seranosh

Date: September 5, 2017

By: /s/Andre Gharibian
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CIVIL ACTION NO. 16-12076

Honorable Terrence G. Berg

ORDER GRANTING STIPULATED PERMANENT INJUNCTION

Upon Stipulation by Plaintiffs North Atlantic Operating Company, Inc. and National Tobacco Company, L.P. (together, “North Atlantic”) and Linet Davoodimasihi, a.k.a. Linet Davoodi Masihi, and eBay Seller seranosh (the “Davoodi-Masihi Defendants”), requesting that a permanent injunction be entered against the Davoodi-Masihi Defendants as a condition of settlement of the dispute between these Parties, and for good cause shown:

IT IS HEREBY ORDERED that, pursuant to Federal Rule of Civil Procedure 65, the Davoodi-Masihi Defendants, as well as their agents, servants, employees, attorneys, officers, and other representatives, and all other persons in active concert or participation with them who receive actual notice of this Order by

personal service or otherwise are hereby permanently enjoined and restrained from, directly or indirectly, anywhere in the world:

1. Manufacturing, making, buying, purchasing, importing, shipping, delivering, advertising, marketing, promoting, offering to sell, selling, or otherwise distributing or disposing of, in any manner, any counterfeit or infringing ZIG-ZAG® brand cigarette paper products, or any cigarette paper products bearing:
 - a. Infringing or counterfeit versions of the ZIG-ZAG® Trademarks¹, the NAOC® Trademarks², the NAOC© Copyright³, and/or the ZIG-ZAG® Trade Dress⁴, which appear alone or in combination on all

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cartons and booklets of ZIG-ZAG® cigarette paper products

distributed by North Atlantic in the United States; and/or

- b. The false statement that such products are “Distributed by North Atlantic Operating Company, Inc.” or otherwise under the control or supervision of North Atlantic, when they are not;
2. Manufacturing, making, buying, purchasing, importing, shipping, delivering, advertising, marketing, promoting, offering to sell, selling, or otherwise distributing or disposing of, in any manner, any purported North Atlantic products that are not actually produced, imported, or distributed under North Atlantic’s control or supervision, or approved for sale in the United States by North Atlantic in connection with the ZIG-ZAG® Trademarks, the NAOC® Trademarks, the NAOC© Copyright, or the ZIG-ZAG® Trade Dress;
3. Committing any acts calculated to cause purchasers to believe that counterfeit or infringing ZIG-ZAG® cigarette paper products originate with North Atlantic, when they do not;
4. In any way infringing or damaging the ZIG-ZAG® or NAOC® Trademarks, the NAOC© Copyright, or the ZIG-ZAG® Trade Dress, or the value or goodwill associated therewith;
5. Otherwise unfairly competing with North Atlantic;

6. Attempting, causing, or assisting in any of the above-described acts, including, but not limited to, enabling others in the above-described acts or passing on information to others to allow them to do so;
7. Destroying, altering, deleting, or otherwise disposing of any documents, records, or electronically stored information concerning the manufacturing, making, buying, purchasing, importing, shipping, delivering, advertising, marketing, promoting, offering to sell, selling, or other distribution or disposal of any product that has been, or is intended to be, sold in packaging containing, displaying, or bearing the ZIG-ZAG® or NAOC® Trademarks, the NAOC© Copyright, or the ZIG-ZAG® Trade Dress; and/or
8. Forming or causing to be formed any corporation or other entity that engages in the above-described acts.

IT IS FURTHER ORDERED that violation of any or all of the foregoing provisions shall be punishable by contempt of court, and such other, further relief this Court deems just and proper.

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Dated: September 11, 2017